

UNITED STATES DISTRICT COURT

Jan 24, 2023

SEAN F. McAVOY, CLERK

for

Eastern District of Washington

U.S.A. vs. Napyer, Waylon Jake Docket No. 0980 1:22CR02076-MKD-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Arturo Santana, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Waylon Jake Napyer, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Alexander C. Ekstrom, sitting in the Court at Yakima, Washington, on the 15th day of December 2022, under the following conditions:

Condition #3: Defendant shall appear at all proceedings and surrender as directed for service of any sentence imposed.

Condition #8: Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

Special Condition #5: Defendant shall submit to a substance abuse evaluation and undergo any recommended substance abuse treatment as directed by the United States Probation/Pretrial Services Office. Prior to commencing any evaluation or treatment program, Defendant shall provide waivers of confidentiality permitting the United States Probation/Pretrial Services Office and the treatment provider to exchange without qualification, in any form and at any time, any and all information or records related to Defendant's conditions of release and supervision, and evaluation, treatment, and performance in the program. It shall be the responsibility of defense counsel to provide such waivers.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Conditions of release were reviewed and signed by Mr. Napyer on December 13, 2022, acknowledging an understanding of his pretrial release conditions.

Violation #1: Mr. Napyer is considered in violation of his pretrial release conditions by failing to appear at a court proceeding on January 24, 2023.

On January 5, 2023, Mr. Napyer reported in person to the probation office. U.S. Probation Officer Kyle Mowatt provided Mr. Napyer a business card with his next report date of February 3, 2023, as well as his next Court date of January 24, 2023.

On January 24, 2023, Mr. Napyer failed to show up for his court hearing before the Honorable Mary K. Dimke, U.S. District Judge. U.S. Probation Officer Erik Carlson attempted to contact Mr. Napyer at his listed telephone numbers. Officer Carlson spoke with an unidentified female and stated Mr. Napyer was sleeping. Officer Carlson identified himself and requested that she wake Mr. Napyer up. After several moments, Officer Carlson heard the female say faintly that Mr. Napyer was not feeling well and terminated the call. Officer Carlson attempted to call the same number back and received a message stating that the number was not accepting voicemail messages and to send a text message. Officer Carlson sent a text message for Mr. Napyer to return the telephone call. Additionally, at 9:57 a.m., a message was sent to the location monitoring Global Positioning System (GPS) tracker instructing Mr. Napyer to contact his officer. At 10:03 a.m., Mr. Napyer acknowledged the message. A review of GPS tracking showed Mr. Napyer was at the Yakama Nation Legends Casino in Toppenish, Washington. At approximately 10:50 a.m., Mr. Napyer left the casino and made a stop in Wapato, Washington, on his way home to [REDACTED] White Swan, Washington, where he arrived at 12:38 p.m. At 12:40 p.m., this officer received a call from Mr. Napyer. Mr. Napyer was directed to report to the probation office before 4 p.m. on this date. At 3:20 p.m., Mr. Napyer reported to the U.S. Courthouse and was taken into custody by the U.S. Marshal Service.

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Violation #2: Mr. Napyer is considered in violation of his pretrial release conditions by consuming a controlled substance, methamphetamine, on or about December 9, 2022.

On December 13, 2022, Mr. Napyer reported to the probation office for an intake and a urinalysis (UA) test was conducted. Mr. Napyer provided a specimen that tested presumptive positive for methamphetamine. Mr. Napyer admitted to having consumed methamphetamine on the night of December 9, 2022, in addition, he reviewed and signed an admission of use document.

Violation #3: Mr. Napyer is considered to be in violation of his pretrial release conditions by failing to undergo any recommended substance abuse treatment since January 10, 2023?

On January 5, 2023, Mr. Napyer completed a substance abuse evaluation at Merit Resource Services (Merit). Mr. Napyer was given an appointment to return on January 10, 2023, to Merit to receive his evaluation results and begin a treatment program.

On January 24, 2023, this officer contacted Merit to verify Mr. Napyer's compliance with his treatment program. This officer was informed that Mr. Napyer failed to show up for his appointment on January 10, 2023. As of the date of this petition, Mr. Napyer has not contacted Merit to engage treatment services.

PRAYING THAT THE COURT WILL ORDER A WARRANT

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: January 24, 2023

by s/Arturo Santana

Arturo Santana
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
☐ Defendant to appear before the Judge assigned to the case.
☐ Defendant to appear before the Magistrate Judge.
☐ Other



Signature of Judicial Officer

January 24, 2023

Date